

**PLANNING AND ZONING COMMISSION  
MINUTES  
PUBLIC HEARING/GENERAL MEETING  
October 13, 2009**

Place: Room 206  
Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Bigelow, Spain, Hutchison, Grimes, Riccardo

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
FILMED: Channel 79

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Mr. Bigelow served as Chairman and read the following agenda item:

**PUBLIC HEARING**

**Continuation of Public Hearing regarding Proposed Amendment to Zoning Regulations #5-2009, Affordable Housing Application under CGS 8-30g, Special Permit Application #256, Garden Homes, 397 Post Road apartments, 397 Boston Post Road.** Proposing to modify the zoning regulations to allow conversion of certain buildings within the DB-2 zone as a Special Permit use; and application for a Special Permit to convert an existing office building at 397 Boston Post Road to 35 multi-family rental units; and perform related site development activities. The subject property is located on the northeast side of Boston Post Road approximately 475 feet southwest of its intersection with Birch Road, and is shown on Assessor's Map #14 as Lot #47, in the DB-2 Zone. *NOTE: THIS HEARING WAS ORIGINALLY OPENED ON SEPTEMBER 22. AT THAT MEETING, IT WAS ANNOUNCED THAT THE PUBLIC HEARING WILL BE CONTINUED TO OCTOBER 20<sup>TH</sup>. SINCE THAT TIME, A SCHEDULING CONFLICT HAS NECESSITATED RESCHEDULING THE CONTINUATION OF THIS HEARING TO OCTOBER 13 RATHER THAN OCTOBER 20<sup>TH</sup>.*

The Public Hearing regarding this matter was started on September 22, 2009. At that point it was decided that the Public Hearing would be continued on October 20<sup>th</sup>, but a series of scheduling problems necessitated that the hearing be continued on October 13, 2009. Thus, the applicant has sent out another set of notices to all neighboring property owners indicating that the Public Hearing would resume at 8:00 p.m. on October 13, 2009. Mr. Bigelow said that he had reviewed the record from the September 22, 2009 hearing, and was therefore familiar with the issues involved in this matter.

Attorney Tim Hollister from Shipman & Goodwin, LLC represented the applicant, Richard Freedman. He said that the new notices were sent to the neighboring property owners by certified mail. He has provided a document dated October 6, 2009 with attachments. This document responds to the issues that were raised at the previous Public Hearing. He said that the potential impact on office spaces within Darien is minimal if at all measurable. He said that 397 Boston Post Road represents about 2% of the office space available within the Town. With respect to recreational space, he said that there is lawn and landscaped area to the rear of the building. They could expand the lawn area if it is desired by the Town that they do so. He said that the amount of lawn space is comparable to what the Regulations require each unit to have. He said that under

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Section 8-30g, no recreational space is required. He noted that all the parking spaces would be located on the site.

Andrew Hennessey, Architect for the project, explained that five patios would be constructed on the rear of the building, and one may be located on the side of the building. The patios will be at ground level, which is comparable to the lower level. It is possible that they will install fences between the patios to create some sense of privacy, but the back portion of the patios would not be fenced in. One would be able to walk from the unit to the patio to the grass. Mr. Hennessey said that the building façade will be renovated, and they will replace all the leaky old windows with new, energy-efficient windows. The same horizontal band will be located across the front façade of the building. There will be a new front doorway and a new front entry area that will be smaller and more residential in character. New roof shingles will be added, and there will be new paint on the fascia. New stucco finish will be applied, and it will be smoother. Mechanical equipment will be located on the roof behind the mansard roof façade. Site lighting is very limited. Revised plans have been submitted showing all the existing lights plus adding a few new lights with each patio. These would be small lights that are directed downward. New safety lighting will be installed at the emergency stairwells. These will be on motion sensor switches so that they will not be shining all the time. Mr. Hennessey said that three handicapped parking spaces are now shown on the revised plan. Type A handicapped accessible units must comprise at least 10% of the units within the complex. They will comply with the Building Code requirements. Mr. Hennessey said that garbage bins will be located within an enclosure that will be located up against a parking space. Tenants will be required to bring their trash to the dumpster. A separate bin within the enclosure will be for recyclable materials.

Mr. Bigelow said that the dumpster enclosure needs to be well designed and well constructed. Otherwise, it will be a serious problem. He also said that the trash will need to be picked up frequently, depending on the usage.

Attorney Hollister answered questions regarding the green space located behind the building. He said that approximately 1200-1500 square feet of that area is lawn, and approximately 4000 square feet of the green space is trees and bushes. This will be a large common or outdoor space rather than private, restricted lawn. He said that they could expand the lawn area into the tree area because the new patios will infringe into part of the existing lawn.

In response to questions regarding the application process, Attorney Hollister said that they could list a number of possible options that could facilitate this project. One option would be to create new regulations. Another would be to create a new zone. Another option would be to seek a use variance, and another option was to write a new provision in the Zoning Regulations that would allow for exceptions when converting an existing building. He said that rather than just obtaining approval under Section 8-30g in a manner that is not specifically allowed by local Zoning Regulations, he prefers to create a regulatory oversight so that the Planning and Zoning Commission can review and approve the project as being in compliance with the revised Zoning Regulations. This gives the community more control, and gives the applicant an approved project that complies with the Regulations, rather than the project being non-conforming or non-compliant. He said that the applicant chose to proceed with the proposed amendment to the Regulations that would allow for exceptions for the conversion of an office building, rather than creating a new Zoning Regulation or new zone or seeking a variance. He said that this method is the most narrow possible way to get the project approved, and the text change authorizes the

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use and mandates the affordability component within the housing project.

Mr. Spain asked about whether the zone change would be considered spot zoning if it is only applicable to this one site. Mr. Hollister said that the exemption provision does not apply only to this site. It actually applies to any property where the owner wants to convert the commercial use to an affordable housing use without adding to the building. He said that if an owner then wants to convert back to a commercial use after 40 years (the minimum time period that the affordable housing units must remain affordable) then transforming to a commercial use would make the Section 8-30g requirements go away if all the building's residential use goes away.

Attorney Hollister said that they decided upon the proposed amendment as being the simplest and most productive method moving forward and giving the Town the most degree of control. The proposed development of the site will provide for proper screening and use of the dumpster, and it has minimal site plan modifications, and does provide for the protection and benefit of the neighbors. He said that there will be on-site signage to reinforce the parking restrictions, and that the lights will be properly shielded so that they will not cause any glare problems for the neighbors, and there will be an upgrade of the electrical system to the property, and thus to the area. The project will also provide much needed affordable housing in the community, and in a location where it is desired by the Planning and Zoning Commission. He said that on the issue of Section 8-30g of the State Statutes, the provision of affordable housing will provide more moratorium points for the benefit of the community.

Attorney Wilder Gleason represented the Grant family who own three nearby properties. One of the properties is a parking lot; another is an office building; and a third is a residential house to the rear of the subject property. He said that his clients are not opposed to the use, but do have serious concerns about the application, the plans, and the impacts of the changes. He said that runoff from the subject property goes downhill through his client's parking lot and then to the Goodwives River. There is no environmental treatment of that runoff water, and it contributes to flooding problems in the River. He said that the plans submitted are woefully inadequate and do not comply with the Regulations. He said that the applicant must document that the site plan meets the current Regulations, including the site plan requirements of Section 1020 and the Special Permit requirements of Section 1000. He submitted one copy of these regulations and reviewed portions of the regulations that he believes the application does not comply with. He said that there is no site plan based on an updated survey and no topographic information has been provided. No table of zoning data and no details of turning radiuses for fire equipment has been provided. He said under Section 1025.6 the applicant is required to provide details of screening and shielding of the lighting. No details have been provided. He said that no storm drainage analysis or plan for the proper management of storm drainage has been submitted. He said that they are increasing the amount of impervious surface in an area that is flood prone. He noted that no open space or landscaping plan had been submitted and any Special Permit use, including this multi-family residential use, must provide at least a 25 ft. wide buffer adjacent to single family residential zones. No such buffer has been provided. He questioned the location of the dumpster enclosure and the fact that it was only proposed to be a chain link fence. He said that based on the number of units and the need for various recycling containers, the dumpster enclosure area would probably be undersized. He suggested that the dumpster enclosure needs to be expanded. The only place to do this is into existing parking spaces. This will reduce the number of parking spaces onsite. Attorney Gleason said that under Section

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1003.e of the Regulations, the Department of Transportation approval is needed for the work in and adjacent to the Boston Post Road, particularly for the electrical connection that is needed. He said that a new transformer is apparently a requirement, but no details have been shown regarding where that transformer would or could be placed. He said that the Department of Transportation will require that they manage the storm water runoff to deal with a 25 year storm. The Town Regulations require that the applicant deal with a 50 year storm. Attorney Gleason said that the Planning & Zoning Commission has required these types of application materials in previous applications submitted under Section 8-30g. Similar requests have been made with respect to the Stefanoni plans on Nearwater Lane, the Stefanoni plans on Leroy Avenue, the Hamer project on Oak Crest, and the AvalonBay project on Hollow Tree Ridge Road.

Attorney Gleason said that the Zoning Regulations require each parking space to be 9 feet wide and 20 ft. deep. Each parking space must have a 24 foot back-up aisle. The applicant is proposing to reuse the existing 51 parking spaces on site, but these parking spaces are only 18 feet deep and only have a 20 foot back-up aisle.

Mr. Spain asked what is the triggering event that requires conformity with the drainage requirement and parking requirement. After all, this is just reusing the existing building. If it were just an applicant installing a new roof on a building, the drainage and parking requirements would not need to be upgraded. Attorney Gleason said that the **change of use** requires compliance with the existing standards before the new use is approved. In this case, the existing commercial office use is being changed to dwelling units. Under the Building Code, under the Zoning Regulations and under any definition, this is a change of use. Mr. Spain said that the Regulations are based on the safety standards and actual current needs. He questioned whether there would be enough parking spots and also noted that storm water runoff management, drainage, is very important.

Attorney Gleason said that the applicant needs to provide a detailed drainage plan because we don't have information about how the existing drainage functions. He said the burden is upon the applicant to submit the information or to submit a detailed request for a waiver under Section 880 of the Zoning Regulations. He said that if the current front landscape area and front yard requirement is imposed, it would eliminate 14 of the parking spaces. He said that the dumpster needs to be enclosed and enlarged and there is a need for some form of hammerhead or backup area for safety at the end of the parking aisle. He said that the site plan is the wrong size and that if there are to be four required handicapped units, this would cause a problem because there are only two or three handicapped parking spaces provided.

Attorney Gleason said that under Section 625 of the Regulations, there is too much building to comply with the floor area ratio regulation. The building also does not comply with Section 626a of the Regulations because it exceeds the maximum building size allowed in the zone. He said that when the applicant proposes to change use, the new use requires compliance with all of the current Regulations. He said that the Commission should deny the current application as being incomplete.

Attorney Gleason said that parking on the site will be inadequate to meet the needs of the residents, service personnel and visitors. When there is insufficient parking on the site, people will seek to park on adjacent properties and this is not acceptable. He said that there is already a

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parking problem with Rory's restaurant and Matsuri's restaurant because in the busy evenings, customers have to park at other sites in the area. There is no on-street parking on this portion of the Boston Post Road and thus, there is no relief for a parking problem other than to have people park on other private property. In this case, there is no additional parking available other than on the Grant parking lot. He said that providing 1.25 parking spaces per unit will not be enough for the residents, service personnel and visitors. He said that providing 1.46 spaces might be enough, but the actual number of parking spaces that will be provided will need to be reduced in order to fulfill handicapped parking requirements and expansion of the dumpster and necessary safety vehicle turnaround areas. He said that in other areas of Town there is a safety outlet of municipal parking or on-street parking, but in this location there is no such safety outlet.

Attorney Gleason said that when this site was being proposed for development in 1977, one of the comments by the Engineering Department indicated that the drainage conditions and problems will not be improved. Apparently the water from this site is merely directed into pipes that flow downhill, and this causes flooding of other areas. He submitted 4 photographs from April of 2007 indicating flooding in the areas immediately downhill from the subject property. He said that he has personal experience of flooding in this area for more than four years that his office has been located in the vicinity. He said the watercourse that flows through the Villager Pond property (located just west of the subject property) is a tributary of the Goodwives River.

Attorney Gleason said that the applicant needs to provide details of the lights and the shields that will be used to control spillage of the light onto the adjacent residential property. He said that if the Commission does approve the project, then a number of conditions should be imposed in order to safeguard the safety of the building's residents and the neighboring property owners. These conditions include, but are not limited to, creating more onsite parking spaces and making sure that the parking spaces are the proper size; requiring a 6 foot high fence around the perimeter of the subject property, especially to separate the parking lot of the subject property from the adjacent Grant/Montlick parking area; requiring that the multi-family use provide a 25 foot wide buffer area as required by Section 940 of the Regulation and protect that buffer area from encroachment using fences and other deterrents. That buffer area needs to be supplemented with evergreen trees and needs to be monumented so that it is easily identifiable. Other potential conditions include: limiting the time that lights will be on within the building or outside the building; because conversion to a residential use will mean that the lights will be on later in the evening than if it were a traditional office building. He said that the owner of each unit and/or the condominium association must be responsible for continuing compliance with the conditions of approval including light controls and dealing with parking problems so that the neighbors will be protected.

Attorney Gleason said that the change of use triggers the need for compliance with all regulations including the need for an updated and accurate site plan and conformance with the drainage requirements within the Regulations.

Peter Grant of 10 Oberlander Lane explained that he lives directly behind the subject property. His business also is adjacent to the Villager Pond property and he said that he has to constantly fix the drainage facilities on that property because the Homeowners' Association does not do the required maintenance. He said when the tributary backs up, it floods the Grant property. He noted that the affordable and moderately priced units proposed by the applicant will be lived in

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by people who generally drive older cars and those older vehicles will tend to leak oil and anti-freeze more than most other vehicles. He said that the runoff from the parking area of the site would then create more environmental problems and this should not be allowed to occur. He said that the adjacent uses in the area already create the need for customers to park off-site. He said the parking on the subject property will not be adequate and it is not fair for the neighbors to have to absorb more unauthorized parking. He said that this new project needs to comply with the Regulations, not disregard the existing Regulations. He said that the State Department of Transportation needs to review and approve the design before the Town application is processed.

Attorney Tim Hollister responded on behalf of the applicant and said that this is not brand new construction on a vacant site; it is the conversion of the existing building and parking area from offices to residential use. He said that the change of use needs to comply with the Regulations and part of what they are proposing is an amendment to the regulations to encourage the conversion of this type of outdated building to affordable housing. He said that the proposed Section 626e includes a provision about non-conforming parking and it does not require that they request a waiver or variance. He said that in this case, what is at the site will be reused. He asked what additional information could be needed. Attorney Hollister said that, as proposed, the amendments to the Regulations should be adopted and this would allow the existing non-conformities to remain and the use to be changed. He said that they will not need to dig up the Boston Post Road, only to replace a transformer on the site and at approximately the same spot that the existing transformer is located. Mr. Hutchison asked if a new conduit would be needed or required by the power company.

Mr. Hollister said that they are not increasing the impervious surfaces and that they do not want to create a bigger dumpster enclosure area because it will just mean the trash will sit in the area longer. He said that their traffic and parking consultants have reviewed the on-site parking demand and have agreed that the parking will be sufficient. He said that there will be no change to the curb cut and that this is not a major traffic generator and thus it does not need approval from the Connecticut Department of Transportation. He said that the 25 ft. wide buffer between the multi-family use and the single family residential use is appropriate and is existing. He said that it can be supplemented if required by the Commission. He said that the idea of having a fence around the perimeter of the site is silly as it would serve no purpose. He said that there really is no basis that would require that the number of units be reduced. If the number of units is reduced, that means the units would get larger which would mean that there might be a greater likelihood for more cars in the family that resides in the larger unit.

He said that the lights can be shielded except for certain security lights required by the Fire Safety or Building Codes. He said that they cannot eliminate all lights.

Mr. Bigelow said that parking is sometimes a concern, particularly when there are surges in demand. In business zones, the surges would depend on the type of business and the hours of operation. In residential zones, the surges can come as residents have parties or family get-togethers. He asked: as the use changes from a business to a residential use, where will people park during the peak demand time periods for the apartment use? Mr. Hollister said that the on-site parking should be sufficient, even for those occasional surges. Lease provisions can include consequences for repeat offenders who park on other peoples' property. He said that the parking

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analysis conducted by the experts already accounts for visitor parking. He noted that the small size of the units did not allow for large group gatherings. He said that on-site parking could easily be identified by window stickers or other information provided on the tenants' vehicles. He said that such a condition could be part of the approval granted by the Commission. He said that there have been some discussions about shared parking arrangements with adjacent property owners to account for potential overflows, but they have not received any formal response from any of their neighbors.

Mr. Hutchison asked about a possible fence to separate the Grant/Montlick parking area from the subject property. This would certainly discourage people from parking on the neighbors' property and then simply walking back to the subject property. He also suggested that the dumpster might be better if it were moved to the west side of the property. Mr. Hollister said that the fence and dumpster relocation might adversely impact fire truck access and turnaround.

Mr. Spain indicated that a storm water management plan is needed. He referred to Section 880b-3 that requires that a drainage plan is needed if Planning & Zoning Commission approval is needed. Attorney Hollister said that that would only apply if they were changing the impervious surface area. This is simply the conversion of the building interior and changing the use. Mr. Spain said that the Commission could require the improvements of the existing drainage situation within the Town. In this case, the site could hold galleries or infiltrators to minimize the quantity of water and could contain an oil separator or other environmental protection measures to clean the water before it is discharged off-site. Mr. Hutchison said that the galleries could also be located in the backyard to accommodate water from the patios. Mr. Spain suggested that it would be better to keep the record open so that more details of the plan could be submitted. If they close the hearing at this point, it is possible that the majority of Commission members might vote to deny the application as being incomplete. That would be a waste of everyone's time. He suggested that the applicant provide additional information so that the Commission can continue to process the application.

In response to questions, Attorney Hollister said that the Affordability Plan has been set up for rental use only. If they want to condominiumize the units, they would need to come back to the Planning & Zoning Commission for an amendment of the Planning & Zoning Commission approval.

Mr. Spain said that the Storm Water Management Plan appears to be a significant deficiency. Mr. Hollister said that they would most likely request a waiver of that requirement. Mr. Bigelow said that the applicant should nail down what, if any, approvals from the Department of Transportation might be necessary for storm drainage improvements or power line modifications. Mr. Hutchison suggested that the applicant further investigate the possibility of a fence to separate the neighboring parking lot. Commission members discussed the possibility of continuing the public hearing. Attorney Hollister was asked if he would consent to an extension of the time periods in order that a public hearing would be continued on October 27<sup>th</sup>. Attorney Hollister said that he and his client would consent to an extension. The following motion was made: that the Planning & Zoning Commission continue the public hearing on October 27, 2009 at 8:00 p.m. in Room 206 of the Darien Town Hall. The motion was made by Mr. Hutchison, seconded by Mrs. Grimes and unanimously approved.

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**GENERAL MEETING (TIME PERMITTING)**

At about 10:15 p.m., the Commission moved into a general session, same Commission members and staff being present. Mr. Bigelow read the first general meeting agenda item:

**Amendment of Business Site Plan #256/Special Permit, Athos Real Estate, 71 Boston Post Road.** Request to modify Conditions I and J of the Commission's September 1, 2009 Adopted Resolution.

Mr. Ginsberg distributed the material submitted by Attorney Amy Zabetakis regarding the parking modification and the ventilation system. Mr. Bigelow said that the real issue with respect to the venting is the input and the output and the need to properly maintain the system and make corrections if any problems are experienced. He said that using a comparable or equivalent piece of equipment is fine, as long as it works effectively to protect the residential neighbors. With respect to parking, Mr. Bigelow said that it is the obligation of the business to operate in a manner that does not create any parking problems for the customers or the neighbors. Mr. Ginsberg said that the neighbor has sent a letter of support regarding the requested modifications. Mr. Hutchison said that the Planning & Zoning Commission should not specify the brand or model of the venting system as long as the goal is achieved. In this case, the goal of performance standard is that there is no odor or fume problem experienced by any of the neighbors. Mr. Spain and Mr. Bigelow said that if the equipment works as designed, then using an equivalent equipment or system will be acceptable. If the equipment does not work adequately, the business operators must fix the situation. The following motion was made: that the Planning & Zoning Commission modifies the approval as previously granted in accordance with the request from Attorney Zabetakis in the letter dated September 22, 2009. The motion was made by Mrs. Grimes, seconded by Mr. Spain and unanimously approved.

At about 10:25 p.m., Mr. Bigelow read the following agenda item:

*Deliberations only on the following two closed public hearing items:*

**Special Permit Application #188-B/Site Plan, Darien Board of Education, Darien High School, 80 High School Lane.** Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien High School fall sports teams. *PUBLIC HEARING CLOSED 10/6/2009. DECISION DEADLINE: 12/10/2009.*

Commission members noted that Attorney Cava represented the neighbors and raised procedural points about whether a mandatory referral is required under Section 8-24 of the General Statutes. Mr. Ginsberg said that he spoke to Town Counsel who opined that the installation of temporary lights to allow practice on the existing football field is not a substantial improvement or an extension of a public utility. In this case it would not require any referral under Section 8-24 of the General Statutes. Town Counsel also indicated that the enforcement of the deed restriction, if any, is not Planning & Zoning's responsibility or authority.

Mrs. Riccardo indicated that she had watched the DVD recording of the public hearing. She questioned whether the adjacent owners might have relinquished any rights or claims, but noted that this is not for the Planning & Zoning Commission to decide.



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Mr. Spain noted that the High School is now requesting a three year approval for their temporary lights. He also said that Attorney Cava raised the issue about whether the Darien Junior Football League (DJFL) had standing or not because this is not a Town park. Mr. Spain said that the property is owned by the Town and it is administered by the Board of Education. It is a well established practice in this community that local sports organizations do need to come before the Planning & Zoning Commission for their type of Special Permit use or activities if they are going to be changing things. Mr. Ginsberg said that the application had been signed and authorized by the Board of Education. Mrs. Riccardo said that the charts submitted during the hearing indicate considerable use of the fields by organizations other than the school. Mr. Spain noted that between last year's trial of lights at the site and the current request, non-reflective covers will be installed on the windows of the school building. This will reduce the amount of glare that is experienced. Mrs. Grimes indicated that the elimination of the on-site generators is a substantial improvement. She also noted that the school needs to properly contain the wiring for safety purposes. She said that the lack of evergreen trees providing a year around buffer is a concern that the Board of Education should start to improve at this time, but it should not hold up the temporary lights.

Mr. Bigelow said that the team does play at other schools that do have lights for night practice and play. He said that the Town needs to figure out a long term solution for safe and competitive team programs. He said that this proposal is a temporary bandage, not a long term solution. Mr. Spain said that the Commission will need to put clear time limitations on the hours of operation and on the number of days that the temporary lights can be used by both the High School and the Darien Junior Football League.

He said that he would most likely want the lights to be turned off by 7:00 p.m. He envisions that the temporary lights for the High School would be for a three year time period, but that the DJFL would only be for a one year trial period and then require a detailed report similar to what had been submitted last year by the High School.

Mr. Hutchison said that lights at the high school facility are not specifically excluded or prohibited by the Town Plan and that there needs to be a balance between the neighbors' needs and the Town needs. He said that in September people play on the field until 7:00 p.m. and having the lights on until then made sense. He questioned whether there was any diminution of neighborhood value when there is no greater use of the fields just because of the lights. He also noted that if a neighbor chooses to build a swimming pool, it might diminish someone's property rights. Mrs. Grimes noted that this is a question of private use and protection of some private properties versus the community use and that makes this a difficult balance. Mr. Bigelow said that there needs to be a clear protocol for submitting and acting upon complaints and there needs to be contacts within the Darien Junior Football League officials and the administrative staff of the school system and Board of Education members in case a complaint is not addressed right away. Commission members indicated that they would most likely vote on this matter at a special meeting. It was decided that they would schedule a special meeting for Friday, October 17<sup>th</sup>.

Mr. Bigelow read the following agenda item:

*Discussion, deliberation, and possible decision on:*

**Site Plan Application #272, Calvary Baptist Church, 988 Boston Post Road, CBD Zone.**

Request to install wood handicap accessible ramp.

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Mr. Ginsberg indicated that there are no previous permits or approvals to be found on this project. Since it is a modification of the handicapped access ramp and it is completely contained within the front and side yards of the church, he saw no problem with the project. Commission members reviewed the plans and the following motion was made: that the plans for the handicapped access ramp be approved as submitted. The motion was made by Mr. Hutchison, seconded by Mrs. Grimes and unanimously approved.

Mr. Bigelow read the following agenda item:

**Amendment of Special Permit #65/Site Plan, Noroton Heights Fire Dept, 209 Noroton Avenue, R-1/3 Zone.**

Proposal to construct a 10' x 18' shed behind the existing fire house.

Mr. Ginsberg said that this would involve the installation of a 10' x 18' storage shed. Commission members reviewed the plans and had no problems or concerns. The removal of a storage trailer which is used at times was viewed as an improvement. The following motion was made: that the Commission approve the installation of the storage shed at the Noroton Heights Fire Department in accordance with the plans submitted. The motion was made by Mr. Spain, seconded by Mrs. Grimes and unanimously approved.

Mr. Bigelow read the following agenda item:

**Approval of Minutes**

September 22, 2009 General Meeting/Public Hearing

Several minor modifications and typos were discussed and agreed upon by all members. The following motion was made: that the Minutes be adopted as revised. The motion was made by Mrs. Grimes, seconded by Mr. Spain. All voted in favor except Mr. Bigelow who had not attended the meeting on September 22<sup>nd</sup>.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

David Keating  
Assistant Planning & Zoning Director